

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARLAN JEROME DEAN MAD
PLUME,

Defendant.

CR 16-03-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on March 6, 2018. Defendant admitted that he had violated the conditions of his supervised release by failing to complete a substance abuse treatment program. Judge Johnston found the admission sufficient to establish the supervised release violation. Judge Johnston recommended that this Court revoke Defendant's supervised release and sentence him to a term of custody of nine months, followed by 12 months of supervised release.

Neither party filed objections to Judge Johnston's Findings and Recommendations. Judge Johnston's Findings and Recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's Findings and Recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 25 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A term of custody of nine months followed by 12 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 96) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 21st day of March, 2018.



Brian Morris
United States District Court Judge